

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC., SECURITIES,
DERIVATIVE & “ERISA” LITIGATION

MDL No. 1658 (SRC)

THIS DOCUMENT RELATES TO: THE
CONSOLIDATED SECURITIES ACTION

Case No. 2:05-CV-01151-SRC-MAS
Case No. 2:05-CV-02367-SRC-MAS

**MOTION TO FILE UNDER SEAL DEFENDANTS’ LETTER IN RESPONSE TO
PLAINTIFFS’ MAY 25, 2012 LETTER REGARDING DISCOVERY DISPUTES**

Pursuant to Paragraph 15 of Pretrial Order No. 2 (the “Protective Order”) in *In re Merck & Co., Inc., Securities, Derivative & ERISA Litigation*, MDL No. 1658, made applicable to this action pursuant to an order entered on November 15, 2005 (Dkt. No. 131), Defendants Merck & Co., Inc., Raymond V. Gilmartin, Peter S. Kim, Alise S. Reicin, Judy C. Lewent, Kenneth C. Frazier, Richard C. Henriques, Jr., David Anstice, Per Wold-Olsen, Lawrence A. Bossidy, William G. Bowen, Johnnetta B. Cole, Niall FitzGerald, William B. Harrison, Jr., William N. Kelley, Heidi G. Miller, Thomas E. Shenk, Anne M. Tatlock and Samuel O. Thier (collectively, “Defendants”) move for entry of an order granting leave to file under seal Defendants’ Letter in Response to Plaintiffs’ May 25, 2012 Letter Regarding Discovery Disputes, dated June 11, 2012.

1. Defendants’ Letter in Response to Plaintiffs’ May 25, 2012 Letter Regarding Discovery Disputes contains an analysis of documents produced by and pertaining to Defendants that are designated as “Confidential” pursuant to the terms of the Protective Order.

2. That information falls under the scope of the Protective Order because it contains the confidential and proprietary information, including “commercially, competitively or otherwise sensitive information,” of Defendants pursuant to Paragraph 2 of the Protective Order.

3. If Defendants' Motion to File under Seal is granted, Defendants will file a redacted version of Defendants' Letter in Response to Plaintiffs' May 25, 2012 Letter Regarding Discovery Disputes in open Court.

Accordingly, Defendants respectfully request that this Court grant its motion to file the above-referenced document under seal pursuant to the terms of the Protective Order.

June 11, 2012

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by

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